

CHAPTER 6 : HEALTH REGULATIONS

6.01 HOLDING TANKS

A. HOLDING TANKS PERMITTED

Holding tanks may be permitted in the Town upon filing of a properly completed agreement, payment of fees and deposits in compliance with this ordinance.

B. OWNER'S RESPONSIBILITY

The owner shall conform to all rules and regulations of the Town, Sheboygan County, and the State of Wisconsin in the construction and maintenance of the septic system, including holding tanks. He/she shall when necessary, but within the guidelines, if any, as set forth by the Town, County or State of Wisconsin, pump contents of said tank to a qualified site or sewerage treatment center as determined from time to time by the Town. The Town may order the pumping of said tank at any time that it deems that the failure to do so may cause a nuisance or health hazard within the Town and that the owner shall, within 24 hours of said notice, pump said tank as required.

C. RIGHT TO ENTER PREMISES

Upon the signing of the application and/or agreement with the Town for the installation of the holding tank, the owner agrees that the Town is granted the right or licenses and authority to enter upon his/her property to inspect, pump and haul away, if necessary, the contents of said holding tank.

D. SPECIAL ASSESSMENTS

Upon receiving proper permits for the construction and installation of the holding tank, owner consents to pay any and all special assessments at the time of installation of any existing sanitary sewer adjacent or upon the above described owner's property and waives any assertion or claim that said sewer lacks any benefit to the owner.

E. TAX ASSESSMENT

Any costs accrued to the Town because of the owner's use or operation, failure to maintain, or for any other reason, of said holding tank, after proper billing, the Town may place said costs on the next succeeding tax bill as a special charge.

F. BOND REQUIREMENTS

The Town Board may require a bond or deposit to be filed by the applicant for said permit or the owner of said premises after the installation of a holding tank to guarantee any and all expenses incurred by the Town for inspection, pumping, hauling or otherwise servicing and maintaining the holding tank in such manner as to prevent or abate any nuisance or health hazard caused by the holding tank. The bond shall be maintained at all times and shall be replaced if expended for any reason. No interest shall accrue to the permittee on the bond or deposit.

G. COVENANT ON LAND

The holding tank agreement shall be in such form so as to be recordable and shall be a covenant running with the land and shall be binding on owners, their heirs, successors and assigns.

H. REPORT

The owner shall report to the Town Board at least annually or such other period as the Board may demand. The report shall contain the owner's name, location of the property on which the holding tank is located, the pumper's name, dates and volumes pumped and the disposal site

I. PENALTY

The penalty for violation of any of the provisions of this section, in addition to the costs hereinbefore mentioned, shall be a penalty as provided in Subsection 11.04 A (1) of this code. A separate offense shall be deemed committed on each day in which a violation of any provision of this section occurs or continues. In addition to said penalty, the Town Board may revoke the tank permit and the occupancy permit for the premises and require removal of the premise's inhabitants.

6.02 ORDINANCE REGULATING THE DUMPING AND DISPOSAL OF CONSTRUCTION RUBBLE AND FILL

A. PURPOSE

The purpose of this ordinance is to regulate the dumping and disposal of construction rubble and nonorganic, noncombustible fill by individuals, corporations and municipalities within the Town. Because of the health, safety and welfare of the public, such dumping or disposal within the Town shall only be permitted under the terms and conditions set forth below.

B. DEFINITIONS

- (1) **Dumping or Disposal:** Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging or burying construction rubble and nonorganic, noncombustible fill on any property or lands, whether publicly or privately owned, within the Town.
- (2) **Sludge:** Sludge is the sewer treatment residue in any form whatsoever, whether solid, semi-solid or liquid which has been processed or treated in any way, form or manner. Sludge shall not be deposited on lands in the Town.
- (3) **Municipality:** Municipality is any city, village or town.
- (4) **Construction Rubble:** Construction rubble shall include only cement, concrete, brick, mortar and plaster obtained from the demolition of structures, roads or buildings.
- (5) **Nonorganic, Noncombustible Fill:** Nonorganic, noncombustible fill means ground or soil, cinders or like type of material that do not give off odor or endanger groundwater.

C. PERMIT REQUIRED

Except as expressly permitted in Subsection 6.02 D below, no individual, corporation or municipality shall dump or dispose of construction rubble and nonorganic, noncombustible fill within the Town unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

D. EXCEPTIONS

The following shall not be deemed to come within the scope or meaning of this ordinance:

- (1) The use of sanitary privies and seepage beds or septic tanks, which conform to applicable ordinances of the Town, or the discharge of human waste products into any public sewerage system located within the Town.
- (2) A farm on which only animal waste resulting from the operation of the farm are disposed of.
- (3) Any dumping operation under the direction and control of the Town.

E. GENERAL REGULATIONS

Persons or municipalities permitted to engage in dumping or disposal operations shall be subject to the following regulations:

- (1) The dumping or disposal operations shall be conducted in such a way as to not constitute a public or private nuisance.
- (2) Persons or municipalities engaged in dumping or disposal operations shall conduct the operations in such a way that dust, dirt, debris or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations.
- (3) A suitable covering of topsoil not less than two (2) feet shall be placed over all of the area used for dumping or disposal operations within a reasonable time after the dumping or disposal has been completed, not to exceed ten (10) days. The covering shall be done in such a way as to give the covered area a finished graded appearance compatible with the surrounding and adjacent property as to not substantially depreciate property values within the immediate area.

F. APPLICATION

Individuals, corporations or municipalities requesting a permit to engage in dumping or disposal operations under this section shall file with the Town Clerk-Treasurer an application for said dumping. The application shall contain the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan, including starting date and termination date. A fee shall accompany said application as set forth in Section 11.05.

G. BOND AND REVOCATION OF PERMIT

The Town Board reserves the right to require the applicant to post a bond, the condition of which will be that this ordinance shall be observed and that the dumping or disposal plan will be adhered to and any penalties imposed shall be paid. If there is a violation of this ordinance or if the dumping or disposal plan is not adhered to, the penalties imposed shall be paid from said bond. The Town Board shall have the right to revoke the dumping or disposal permit and, if necessary, obtain a court order

terminating such dumping or disposal operation. If after a reasonable demand, the applicant fails to cover the dumping or disposal area in accordance with the dumping or disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

The applicant for a dumping or disposal permit, in making the application, grants to the Town the right to enter onto the land and carry out the dumping or disposal plan if the owner or occupant of the land fails to do so after reasonable notice.

H. ISSUANCE

The application for a permit will be processed within ninety (90) days of its receipt, and will be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

I. REVOCATION

The permit, once issued, may be revoked after notice to the permit holder at any time if any of the conditions necessary for the issuance thereof or any terms of the ordinance are violated. Notice that the Town Board shall, at its next meeting, review the permit and consider revocation of same shall be given to the permit holder at the address stated on the permit, or as amended from time, to time in writing to the Town Clerk-Treasurer, not less than ten (10) days prior to said meeting.

J. CONFLICTING ORDINANCES

- (1) State Law. Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.
- (2) Town Law. Nothing contained herein shall be deemed to limit or restrict the application of any Town ordinance concerning the subject of this ordinance.

K. PENALTY

The penalty for violation of this section shall be the penalty as provided in Sub section 11.04 A (1) of this code